

RESTRICTION REQUIREMENT

The Examiner has required restriction under 35 U.S.C. § 121 and § 372 to one of the following inventions:

- I. Group 1, claims 1-32, drawn to a lipid membrane structure containing an anti-membrane-type matrix metalloproteinase monoclonal antibody; and
- II. Group 2, claim 33, drawn to a method for estimating an amount of monoclonal antibody against an anti-membrane-type matrix metalloproteinase.

ELECTION

In order to be responsive to the requirement for restriction, Applicants elect, with traverse, the invention set forth in **Group I, claims 1 – 32**, drawn to a lipid membrane structure containing an anti-membrane-type matrix metalloproteinase monoclonal antibody.

TRAVERSE

Notwithstanding the election of the claims of Group I in order to be responsive to the requirement for restriction, Applicants respectfully traverse the requirement.

Applicants note that this application is a national stage, and thus under unity of invention practice, the Examiner must establish that the claims lack unity of invention under PCT Rule 13.1 and 37 C.F.R. § 1.475. Applicants note that the restriction Requirement indicates that the technical feature linking Groups I and II “is a lipid membrane structure containing an anti-membrane-type matrix metalloproteinase monoclonal antibody.” The Office asserts that Bednarski (U.S. Patent Application Publication No. 2002/0197210) teaches “a lipid membrane structure containing antibodies, including antibodies to matrix metalloproteases and Kitagawa et al. (J Urology, 1998, 160:1540-5) discloses antibodies to membrane-type matrix metalloproteinase monoclonal antibody,” and concludes that in view of the teaching of

Bednarski and Kitagawa et al. the special technical feature linking the Groups does not define a contribution over the art.

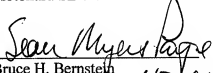
Initially, Applicants note that the Office has not made any art-based rejections over the claims of record, and specifically reserve the right to rebut any rejections if and when such rejections are made.

Applicants respectfully traverse the finding of lack of unity of invention because Applicants respectfully submit that the subject matter that the Office has identified as being shared between the respective Groups, is neither anticipated by nor obvious in view of the prior art. Thus, contrary to the Office's position, the two Groups share subject matter that distinguishes over the prior art. Thus, Applicants respectfully request withdrawal of the requirement for restriction.

Still further, Applicants respectfully note that because the Office has found that the respective Groups share common subject matter, and concluded that because such subject matter is disclosed in the art, the Office will be required to withdraw the Restriction Requirement upon finding that the recited common subject matter is not disclosed in the art.

If there are any comments or questions, the undersigned may be contacted at the below-listed telephone number.

Respectfully submitted,
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